

Senate File 2197 - Reprinted

SENATE FILE 2197
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3150)

(As Amended and Passed by the Senate March 1, 2010)

A BILL FOR

1 An Act relating to the enforcement of criminal law provisions
2 including providing false identification information and
3 public indecent exposure and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. **NEW SECTION.** **719.1A Providing false**
2 **identification information.**

3 A person who knowingly provides false identification
4 information to anyone known by the person to be a peace
5 officer, emergency medical care provider under chapter 147A,
6 or fire fighter, whether paid or volunteer, in the performance
7 of any act which is within the scope of the lawful duty or
8 authority of that officer, emergency medical care provider, or
9 fire fighter, commits a simple misdemeanor.

10 Sec. 2. Section 728.5, Code 2009, is amended to read as
11 follows:

12 **728.5 Public indecent exposure in certain establishments.**

13 1. An owner, manager, or person who exercises direct control
14 over a place of business required to obtain a sales tax permit
15 shall be guilty of a serious misdemeanor under any of the
16 following circumstances:

17 ~~1-~~ a. If such person allows or permits the actual or
18 simulated public performance of any sex act upon or in such
19 place of business.

20 ~~2-~~ b. If such person allows or permits the exposure of the
21 genitals or buttocks or female breast of any person who acts
22 as a waiter or waitress.

23 ~~3-~~ c. If such person allows or permits the exposure of
24 the genitals or female breast nipple of any person who acts
25 as an entertainer, whether or not the owner of the place of
26 business in which the activity is performed employs or pays any
27 compensation to such person to perform such activity.

28 ~~4-~~ d. If such person allows or permits any person to remain
29 in or upon the place of business who exposes to public view the
30 person's genitals, pubic hair, or anus.

31 ~~5-~~ e. If such person advertises that any activity
32 prohibited by this section is allowed or permitted in such
33 place of business.

34 ~~6-~~ f. If such person allows or permits a minor to engage
35 in or otherwise perform in a live act intended to arouse or

1 satisfy the sexual desires or appeal to the prurient interests
2 of patrons.

3 2. However, if such person allows or permits a minor to
4 participate in any act included in ~~subsections 1 through~~
5 4 subsection 1, paragraphs "a" through "d", the person shall be
6 guilty of an aggravated misdemeanor.

7 3. ~~The Except for subsection 1, paragraph "f",~~
8 the provisions of this section shall not apply to a theater,
9 concert hall, art center, museum, or similar establishment
10 which is primarily devoted to the arts or theatrical
11 performances and in which any of the circumstances contained
12 in this section were permitted or allowed as part of such art
13 exhibits or performances.

14 Sec. 3. Section 805.3, Code 2009, is amended to read as
15 follows:

16 **805.3 Procedure.**

17 Before the cited person is released, the person shall sign
18 the citation, either in a paper or electronic format, under
19 penalty of providing false identification information under
20 ~~section 719.3~~ 719.1A, properly identifying the person cited.
21 The person's signature shall also serve as a written promise to
22 appear in court at the time and place specified. A copy of the
23 citation shall be given to the person.

24 Sec. 4. Section 805.6, subsection 1, paragraph a,
25 subparagraph (2), Code Supplement 2009, is amended to read as
26 follows:

27 (2) The uniform citation and complaint shall contain
28 spaces for the parties' names; the address of the alleged
29 offender; the registration number of the offender's vehicle;
30 the information required by section 805.2, a warning which
31 states, "I hereby swear and affirm that the information
32 provided by me on this citation is true under penalty of
33 providing false information"; and a statement that providing
34 false identification information is a violation of section
35 ~~719.3~~ 719.1A; a list of the scheduled fines prescribed by

1 sections 805.8A, 805.8B, and 805.8C, either separately or by
2 group, and a statement of the court costs payable in scheduled
3 violation cases, whether or not a court appearance is required
4 or is demanded; a brief explanation of sections 805.9 and
5 805.10; and a space where the defendant may sign an admission
6 of the violation when permitted by section 805.9; and the
7 uniform citation and complaint shall require that the defendant
8 appear before a court at a specified time and place. The
9 uniform citation and complaint also may contain a space for the
10 imprint of a credit card, and may contain any other information
11 which the commissioner of public safety, the director of
12 transportation, and the director of the department of natural
13 resources may determine.

14 Sec. 5. Section 805.6, subsection 7, Code Supplement 2009,
15 is amended to read as follows:

16 7. Supplies of uniform citation and complaint forms
17 existing or on order on July 1, ~~1995~~ 2010, may be used until
18 exhausted.